



February 27, 2003

HOUSE BILL No. 1828

DIGEST OF HB 1828 (Updated February 26, 2003 2:56 PM - DI 105)

Citations Affected: IC 9-30; noncode.

Synopsis: Operating a vehicle while intoxicated. Makes it a Class B felony for a person to operate a motor vehicle while the person has an alcohol concentration in excess of permitted levels or while the person is intoxicated and cause the death of another person.

Effective: July 1, 2003.

Bosma, Welch, Stutzman

January 23, 2003, read first time and referred to Committee on Courts and Criminal Code.
February 26, 2003, amended, reported — Do Pass.

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HB 1828—LS 7472/DI 106+



February 27, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1828

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-30-5-5, AS AMENDED BY P.L.175-2001,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 5. (a) A person who causes the death of another
4 person when operating a motor vehicle ~~(1) with an alcohol~~
5 ~~concentration equivalent to at least eight-hundredths (0.08) gram of~~
6 ~~alcohol per: (A) one hundred (100) milliliters of the person's blood; or~~
7 ~~(B) two hundred ten (210) liters of the person's breath; (2) with a~~
8 ~~controlled substance listed in schedule I or II of IC 35-48-2 or its~~
9 ~~metabolite in the person's body or (3) while intoxicated;~~ commits a
10 Class C felony. However, the offense is a Class B felony if, within the
11 five (5) years preceding the commission of the offense, the person had
12 a prior unrelated conviction under this chapter.
13 (b) **A person who causes the death of another person when**
14 **operating a motor vehicle:**
15 (1) **with an alcohol concentration equivalent to at least**
16 **eight-hundredths (0.08) gram of alcohol per:**
17 (A) **one hundred (100) milliliters of the person's blood; or**

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1 **(B) two hundred ten (210) liters of the person's breath; or**
2 **(2) while intoxicated;**
3 **commits a Class B felony.**

4 ~~(b)~~ **(c)** A person who violates subsection (a) **or (b)** commits a
5 separate offense for each person whose death is caused by the violation
6 of subsection (a) **or (b)**.

7 ~~(c)~~ **(d)** It is a defense under subsection ~~(a)(2)~~ **(a)** that the accused
8 person consumed the controlled substance under a valid prescription
9 or order of a practitioner (as defined in IC 35-48-1) who acted in the
10 course of the practitioner's professional practice.

11 SECTION 2. [EFFECTIVE JULY 1, 2003] **IC 9-30-5-5, as**
12 **amended by this act, applies only to offenses committed after June**
13 **30, 2003.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1828, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete ":".

Page 1, strike lines 5 through 8.

Page 1, line 9, strike "(2)".

Page 1, line 10, delete ",".

Page 1, line 10, after "body;" strike "or".

Page 1, strike line 11.

Page 1, run in lines 4 and 12.

Page 1, line 12, reset in roman "Class C".

Page 1, line 12, after "Class C" delete "Class B".

Page 1, line 12, reset in roman "However, the offense is a Class B".

Page 1, reset in roman lines 13 through 14.

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"(b) A person who causes the death of another person when operating a motor vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(2) while intoxicated;

commits a Class B felony."

Page 1, line 15, strike "(b)" and insert **"(c)"**.

Page 1, line 15, after "(a)" insert **"or (b)"**.

Page 1, line 17, delete "." and insert **"or (b)."**

Page 2, line 1, strike "(c)" and insert **"(d)"**.

Page 2, line 1, strike "(a)(2)" and insert **"(a)"**.

and when so amended that said bill do pass.

(Reference is to HB 1828 as introduced.)

WEINZAPFEL, Chair

Committee Vote: yeas 11, nays 0.

